

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHN PARKER, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

Plaintiff,

-v-

SAVAGE FUELING CORPORATION,

Defendant.

CIVIL ACTION NO.: 1:17-cv-397
(GTS/CFH)

DECLARATION OF CHUCK SCHWAB

I, Charles E. Schwab, hereby declare as follows:

1. I am Charles E. Schwab, Senior Vice President of People Operations. In my position, I oversee compensation and benefits for all of Savage Fueling Corporation (“Defendant” or “Savage”) and all other Savage affiliates.

2. I submit this declaration in support of defendant Savage Fueling Corporation’s motion to dismiss the complaint filed by plaintiff John Parker, dated April 10, 2017 (the “Complaint”).

3. From on or about January 2, 2014 to October 5, 2016 Plaintiff was employed at Savage as a Fuel Technician.

4. I understand that Plaintiff alleges in the Complaint that Defendant violated the Fair Labor Standards Act and the New York Labor Law by purportedly failing to pay Plaintiff and members of the alleged class overtime pay for time worked in excess of 40 hours in a work week.

5. On October 10, 2016, in connection with the termination of Plaintiff’s employment, Plaintiff executed a “severance arrangement” (the “Release”) that discharged

Savage from any claims “arising out of or associated in any way whatsoever” with Plaintiff’s employment. Attached as **Exhibit 1** is a true and correct copy of the Release. Plaintiff received the consideration he agreed to and never revoked his acceptance of the release.

6. In my capacity as Senior Vice President of People Operations, I have reviewed Plaintiff’s personnel file, including the daily rates of pay he received during his employment with Savage. According to Defendant’s employment records, which are kept in the ordinary course of business, effective April 3, 2016, Plaintiff was compensated \$224.95 per shift. Effective January 1, 2016, Plaintiff was compensated \$216.30 per shift. Effective January 2, 2015, Plaintiff was compensated \$210.00 per shift. Effective January 2, 2014, Plaintiff was compensated \$205.00 per shift.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 25, 2017.

A handwritten signature in black ink, appearing to read "Charles E. Schwab", is written over a horizontal line.

Charles E. Schwab